

House Bill 1408

By: Representative Butler of the 18<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to regulation of hospitals and related institutions, so as to provide for requirements  
3 relating to circulating nurses for surgical services performed in a hospital or ambulatory  
4 surgical center; to provide for variances; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
9 regulation of hospitals and related institutions, is amended by striking subsection (a) of Code  
10 Section 31-7-2.1, relating to rules and regulations, availability of reports of cited deficiencies,  
11 and disclosure of survey worksheets and documents, and inserting in its place the following:

12 "(a)(1) The department shall adopt and promulgate such reasonable rules and regulations  
13 which in its judgment are necessary to protect the health and lives of patients and shall  
14 prescribe and set out the kind and quality of building, equipment, facilities, and  
15 institutional services which institutions shall have and use in order to properly care for  
16 their patients.

17 (2) Such rules and regulations shall require that all nursing homes annually offer unless  
18 contraindicated, contingent on availability, an influenza virus vaccine to all Medicare and  
19 Medicaid-eligible patients and private-pay patients in their facilities, in accordance with  
20 the rules and regulations established pursuant to this subsection. Such rules and  
21 regulations shall also require that all nursing homes annually offer unless contraindicated,  
22 contingent on availability, a pneumococcal bacteria vaccine to all Medicare-eligible  
23 patients and all private-pay patients, 65 years of age or older, in their facilities, in  
24 accordance with the rules and regulations established pursuant to this subsection.

1 (3) With regard to surgical services performed in a hospital or ambulatory surgical  
2 center, such rules and regulations shall also provide that:

3 (A) There shall be sufficient nursing personnel so that one circulating nurse is in each  
4 separate operating room where surgery is being performed;

5 (B) There shall be sufficient nursing personnel so that one circulating nurse is in each  
6 separate obstetrical room at every infant delivery;

7 (C) Surgical technologists and licensed practical nurses may function as a second  
8 circulator in an operating room or obstetrical room under the direct supervision of the  
9 circulating nurse; and

10 (D) A circulating nurse shall be a registered nurse qualified by training and experience  
11 in surgical nursing services, as determined by the Georgia Board of Nursing.

12 (4) At the request of a hospital ambulatory surgical center the department may grant a  
13 variance from the requirements of this Code section based on patient care needs or the  
14 nursing practices of the hospital or ambulatory surgical center. Such request must  
15 demonstrate the hospital or ambulatory surgical center's ability to provide safe patient  
16 care for the duration of such variance. The department shall not grant any request for a  
17 variance for any period greater than 180 days."

## 18 **SECTION 2.**

19 All laws and parts of laws in conflict with this Act are repealed.